

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

GREGORY JOLLY,

Plaintiff,

v.

ESTES EXPRESS LINES,

Defendant.

Case No. 2:24-cv-4149

Judge Edmund A. Sargus, Jr.

Magistrate Judge Elizabeth P. Deavers

ORDER

This matter is before the Court on the February 12, 2025 Report and Recommendation issued by the Magistrate Judge. (R&R, ECF No. 15.) On January 27, 2025, the Court issued a Show Cause Order regarding Plaintiff's failure to appear at the Preliminary Pretrial Conference on the same day. (ECF No. 14.) The Court warned Plaintiff that failure to respond to the Show Cause Order by February 10, 2025 could result in a dismissal of his case. (*Id.*) To date, Plaintiff has not responded. Accordingly, the Magistrate Judge recommended that the Court dismiss Plaintiff's claims without prejudice for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure. Fed. R. Civ. P. 41(b). (R&R, PageID 100.)

Once a magistrate judge issues a report and recommendation, the relevant statute provides:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1). The failure to file written objections to a magistrate judge's report and recommendation waives a de novo determination by the district court of any issues addressed in the report and recommendation. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140

(1985); *see also United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

Plaintiff was advised of his right to object to the Report and Recommendation and of the consequences of failing to do so. (R&R, PageID 100.) Plaintiff did not object to the Report and Recommendation.

Accordingly, the Court **ADOPTS** and **AFFIRMS** the Report and Recommendation and **DISMISSES WITHOUT PREJUDICE** Plaintiff's claims against Estes Express Lines. The Clerk is **DIRECTED** to enter judgment, to terminate this case on the Court's docket, and to mail a copy of this Order to Plaintiff at 4775 Galton Ct., Columbus, OH 43220.

IT IS SO ORDERED.

4/3/2025
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE